

**NATURAL RESOURCE COMMISSION[571]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 455A.5(6) and 461A.3, the Natural Resource Commission (Commission) hereby gives Notice of Intended Action to amend Chapter 61, “State Parks, Recreation Areas, and State Forest Camping,” Iowa Administrative Code.

The purpose of this proposed amendment is to ban alcoholic liquor, beer, and wine at the beaches located in Lake Macbride State Park and Pleasant Creek State Recreation Area. The definition of “beach” means “that portion of state parks or recreation areas designated for swimming activity including the sand, a 200-foot buffer of land surrounding the sand or a designated area which is fenced in, and the water area contiguous to the beach as marked by swim buoys or swim lines” and applies to proposed paragraph 61.7(2)“e.” However, the alcohol ban would not apply to any rental facilities located within the 200-foot buffer of land surrounding the sand or fenced-in area that have been officially reserved through the Department of Natural Resources (Department). Thus, for example, this proposed amendment would not prevent an individual from reserving a beach-bordering shelter for a large party, such as a reunion or a wedding, and providing alcohol to guests.

Department citation records and incident reports indicate alcohol consumption at these particular beaches presents legitimate safety risks to the public and Department personnel. During the high summer season, the ratio of park users to park personnel on these beaches has, at times, based on visual observations and vehicle counts, been estimated at over 500:1. Documented citations and incidents at these beaches that are attributed to alcohol include assaults, public intoxication (to the point of near unconsciousness), littering, interference with official acts, disorderly conduct, and minors in possession. For instance, Lake Macbride State Park spans 2,180 acres bordering an 812-acre lake and contains 102 campsites and a 2-acre beach. In the last five years, of 371 total arrests made and citations issued at Lake Macbride State Park, 222 occurred at the beach and involved alcohol. In other words, an area that encompasses less than a quarter of 1 percent of the park’s total size resulted in almost 60 percent of all park enforcement activity. Thus, the beach area requires an inordinate amount of staff time, resources, and attention, much of which can be attributed to alcohol use. Pleasant Creek State Recreation Area has similar statistics.

As an interim measure, in mid-July 2015, pursuant to the authority of Iowa Code section 461A.46, the Department’s Director imposed an early closing time of 6 p.m. on both parks’ beaches due to the particular challenges posed by large evening crowds. The Department’s State Parks Bureau also entered into cooperative agreements with local law enforcement agencies to provide for scheduled backup assistance from nearby city police departments, respective county sheriff’s offices, and state troopers, a necessity as indicated by the 269 calls for backup made from Lake Macbride State Park between 2010 and 2015. Combined, the early closing time and cooperative agreements have had a positive impact on the number of arrests made, citations issued, and verbal warnings issued at these beaches. However, the early closing time has been very unpopular with park users, especially with those who would like to visit these beaches after work and with those who are overnight campers. In addition, relying on law enforcement from other public agencies is not a sustainable practice.

Thus, the Commission is proposing the alcohol ban in lieu of the early closing time at Lake Macbride State Park and Pleasant Creek State Recreation Area beaches. The Commission believes that banning alcohol from these beaches will considerably reduce the number of arrests made and citations issued at these locations. More importantly, banning alcohol at these beaches will increase the safety and

enjoyment of other park users in these areas. This change will enable Department staff at Lake Macbride State Park and Pleasant Creek State Recreation Area to focus less on the beach and more on the park as a whole, permitting the State Parks Bureau's resources to be applied to a greater variety of issues, areas, and user and resource needs (such as the large campgrounds).

Any interested person may make written suggestions or comments on the proposed amendment on or before July 26, 2016. Such written materials should be directed to Sherry Arntzen, State Parks Bureau, Department of Natural Resources, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319-0034. Comments may be sent by fax to (515)725-8201 or by e-mail to [Sherry.Arntzen@dnr.iowa.gov](mailto:Sherry.Arntzen@dnr.iowa.gov). Persons who wish to convey their views orally should contact Sherry Arntzen at (515)725-8486.

There will be a public hearing on July 26, 2016, at 2 p.m. in the Fourth Floor Conference Room of the Wallace State Office Building, Des Moines, Iowa, at which time persons may present their views orally or in writing. There will also be a public hearing on July 26, 2016, at 4 p.m. at Palisades-Kepler State Park Lodge, 700 Kepler Drive, Mount Vernon, Iowa, at which time persons may present their views orally or in writing. At the hearings, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department to advise of specific needs.

After analysis and review of this rule making, no negative impact on jobs has been found.

This amendment is intended to implement Iowa Code section 461A.3.

The following amendment is proposed.

Amend subrule 61.7(2) as follows:

**61.7(2) Beach use/swimming.**

*a. to d.* No change.

*e.* Alcoholic liquor, beer, and wine, as each is defined in Iowa Code section 123.3, are prohibited on the beaches located within Lake Macbride State Park and Pleasant Creek State Recreation Area. This ban does not apply to rental facilities located within the 200-foot buffer of land surrounding the sand or fenced-in area that have been officially reserved through the department.